

44. (New) An inlay according to claim 37, wherein

said markings include a mark on the center of the inlay and at least two radial axes extending from the center of the inlay in a direction toward the periphery of the inlay, and said markings are adapted to align with respective markings on the surface of the cornea.

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**REMARKS**

Reconsideration and allowance of the above-identified application are respectfully requested. Upon entry of this amendment, claims 33-44 will be added, leaving claims 1-44 pending in this application with claims 1, 15, 28 and 37 being independent.

In the Action, the claims are restricted to Group I, including claims 1-27 directed to a method of implanting an inlay, and Group II, including claims 28-32 directed to a corneal inlay. The restriction is based on the position that the product as claimed can be used in a materially different process of using that product, that is, the corneal inlay can be implanted on top of the cornea instead of within and the inlay may be positioned at any location or rotation of the cornea.

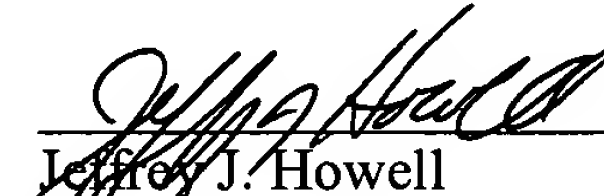
Applicant provisionally elects the claims of Group II, including claims 28-32, which include the method and intraocular lens for changing refractive power. This election is made with traverse.

Applicant notes that “[i]f the search and examination of the entire application can be made *without* serious burden, the Examiner *must* examine it on the merits, even though it includes claims to distinct or independent inventions.” MPEP §803 (emphasis added). Applicant submits that since each of these allegedly separate inventions are closely related (i.e., they both relate to corneal inlays) there cannot be a serious burden on the Examiner.

Furthermore, Applicant submits that new claims 33-44 are drawn to the Group II invention, a corneal inlay, and link the Group I and Group II claims. Claim 1 is directed to method of aligning an intracorneal inlay including positioning the inlay between first and second surfaces of the cornea and aligning markings on the inlay with at least one axis on the on the surface of the surface of the cornea. Claim 33, which depends from claim 28, recites an inlay adapted to be positioned between first and second surfaces of the cornea, and claim 36 recites an inlay including markings adapted to align with respective markings on the exposed surface of the cornea. Applicant submits that the product as claimed in at least claims 33 and 36 can be used in a substantially similar process as the methods in Group I. Thus, at least claims 33 and 36 effectively link the Group I and Group II claims together.

Prompt and favorable action is solicited. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number listed below.

Respectfully submitted,

  
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